

(3) CRITICAL DEFENSE FACILITY.—

(A) IN GENERAL.—The term “critical defense facility” means a facility that—

(i) is critical to the defense of the United States; and

(ii) is vulnerable to a disruption of the supply of electric energy provided to that facility by an external provider.

(B) INCLUSION.—The term “critical defense facility” includes a facility designated as a critical defense facility by the Secretary of Energy under section 215A(c) of the Federal Power Act (16 U.S.C. 824o–1(c)).

(4) CRITICAL ELECTRIC INFRASTRUCTURE.—The term “critical electric infrastructure” has the meaning given the term in section 215A(a) of the Federal Power Act (16 U.S.C. 824o–1(a)).

(5) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—The term “defense critical electric infrastructure” has the meaning given the term in section 215A(a) of the Federal Power Act (16 U.S.C. 824o–1(a)).

(6) ENTITY.—The term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(7) FOREIGN ADVERSARY.—The term “foreign adversary” means any foreign government or foreign nongovernment person engaged in a long-term pattern or serious instances of conduct significantly adverse to—

(A) the national security of—

(i) the United States; or

(ii) allies of the United States; or

(B) the security and safety of United States persons.

(8) PERSON.—The term “person” means an individual or entity.

(9) PROCUREMENT.—The term “procurement” means the process of acquiring, through purchase, by contract and through the use of appropriated funds, supplies or services, including installation services, by and for the use of the Federal Government.

(10) TRANSACTION.—The term “transaction” means the acquisition, importation, transfer, or installation of any bulk-power system electric equipment by any person, or with respect to any property, subject to the jurisdiction of the United States.

(11) UNITED STATES PERSON.—The term “United States person” means—

(A) an individual who is—

(i) a citizen of the United States; or

(ii) an alien lawfully admitted for permanent residence in the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; and

(C) any person in the United States.

(b) PROHIBITION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, no person that is the owner or operator of defense critical electric infrastructure may engage in any transaction relating to that defense critical electric infrastructure that involves any covered equipment in which a foreign adversary has an ownership or any other interest, including through an interest in a contract for the provision of the covered equipment, over which a foreign adversary has control, or with respect to which a foreign adversary exercises influence, including any transaction that—

(A) is initiated after the date of enactment of this Act; and

(B) the Secretary of Energy, in coordination with the Director of the Office of Management and Budget and in consultation with the Secretary of Defense, the Secretary of Homeland Security, the Director of National Intelligence, and the heads of other appropriate Federal agencies, as determined by the Secretary of Energy, determines—

(i) involves covered equipment designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary; and

(ii) poses an undue risk of catastrophic effects on the security or resiliency of critical electric infrastructure in the United States.

(2) MITIGATION MEASURES.—

(A) IN GENERAL.—The Secretary of Energy, in consultation with the heads of other Federal agencies, as appropriate, may—

(i) in accordance with subparagraph (B), approve a transaction or class of transactions prohibited under paragraph (1); and

(ii) design or negotiate measures to mitigate any concerns identified in making determinations under paragraph (1)(B) with respect to that transaction or class of transactions.

(B) PRECONDITION TO APPROVAL OF OTHERWISE PROHIBITED TRANSACTION.—The Secretary of Energy shall implement the measures described in subparagraph (A)(ii) before approving a transaction or class of transactions that would otherwise be prohibited under paragraph (1).

(3) APPLICATION.—

(A) IN GENERAL.—The prohibition described in paragraph (1) shall apply to a transaction described in that paragraph regardless of whether—

(i) a contract has been entered into with respect to that transaction before the date of enactment of this Act; or

(ii) a license or permit has been issued or granted with respect to that transaction before the date of enactment of this Act.

(B) CONTRARY LAW.—The prohibition described in paragraph (1) shall apply to each transaction described in that paragraph only to the extent not otherwise provided by—

(i) another statute; or

(ii) a regulation, order, directive, or license issued pursuant to this section.

(4) PREQUALIFICATION.—

(A) IN GENERAL.—The Secretary of Energy, in consultation with the heads of other Federal agencies, as appropriate, may—

(i) establish and publish criteria for recognizing particular covered equipment and particular vendors in the market for covered equipment as prequalified for future transactions; and

(ii) apply those criteria to establish and publish a list of prequalified equipment and vendors.

(B) SAVINGS PROVISION.—Nothing in this paragraph limits the authority of the Secretary of Energy under this subsection to prohibit or otherwise regulate any transaction involving prequalified equipment or vendors.

(c) IMPLEMENTATION.—

(1) IMPLEMENTATION BY THE SECRETARY OF ENERGY.—The Secretary of Energy shall take such actions as the Secretary determines to be necessary to implement this section, including—

(A) directing the timing and manner of the cessation of pending and future transactions prohibited under subsection (b)(1);

(B) adopting appropriate rules and regulations; and

(C) exercising any applicable power granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and delegated to the Secretary.

(2) REQUIRED RULEMAKING.—

(A) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Homeland Security, the Director of National Intelligence, and the heads of other appropriate Federal agencies, as determined by the Secretary of Energy, shall issue rules or regulations to implement this section.

(B) AUTHORITY.—A rule or regulation issued under subparagraph (A) may—

(i) determine that particular countries or persons are foreign adversaries exclusively for the purposes of this section;

(ii) identify persons owned by, controlled by, or subject to the jurisdiction or direction of, foreign adversaries exclusively for the purposes of this section;

(iii) identify particular equipment or countries with respect to which transactions involving covered equipment warrant particular scrutiny under this section; and

(iv) identify a mechanism and relevant factors for the negotiation of agreements to mitigate concerns identified in making determinations under subsection (b)(1)(B).

(3) IDENTIFICATION OF CERTAIN EQUIPMENT.—

As soon as practicable after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of the Interior, the Secretary of Homeland Security, the Director of National Intelligence, the Board of Directors of the Tennessee Valley Authority, and the heads of other appropriate Federal agencies, as determined by the Secretary of Energy, shall—

(A) identify existing covered equipment that—

(i) is designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary; and

(ii) poses an undue risk of catastrophic effects on the security or resiliency of critical electric infrastructure in the United States; and

(B) develop recommendations on ways to identify, isolate, monitor, or replace any covered equipment identified under subparagraph (A) as soon as practicable.

(4) COORDINATION AND INFORMATION SHARING.—

The Secretary of Energy shall work with the Secretary of Defense, the Secretary of the Interior, the Secretary of Homeland Security, the Director of National Intelligence, the Board of Directors of the Tennessee Valley Authority, and the heads of other appropriate Federal agencies, as determined by the Secretary of Energy, to protect critical defense facilities from national security threats through—

(A) the coordination of the procurement of energy infrastructure by the Federal Government; and

(B) the sharing of risk information and risk management practices to inform that procurement.

(5) REQUIREMENT.—This section shall be implemented—

(A) in a manner that is consistent with all other applicable laws; and

(B) subject to the availability of appropriations.

(d) REPORTS TO CONGRESS.—The Secretary of Energy shall submit to Congress periodic reports describing any progress made in implementing, or otherwise relating to the implementation of, this section.

SA 1615. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I of division C, add the following:

SEC. 3124. NONRECOGNITION OF DIGITAL CURRENCY ISSUED BY PEOPLE'S BANK OF CHINA.

The United States may not—

- (1) recognize as legal tender, or authorize payments using, any digital currency issued by the People's Bank of China; or
- (2) permit, agree to, or enable any interoperability with any such currency.

SA 1616. Mr. SCOTT of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 2516, strike “Section 1260I(a)” and inserting “(a) MODIFICATION TO CERTIFICATION REGARDING HUAWEI.—Section 1260I(a)”.

At the end of section 2516, add the following:

(b) **CERTIFICATION REQUIRED TO REMOVE ENTITIES FROM ENTITY LIST.**—The Secretary of Commerce may not remove any entity from the entity list maintained by the Bureau of Industry and Security and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations, until the Secretary certifies to Congress that—

- (1) the entity is no longer reasonably believed to be involved, or to be becoming involved, in activities contrary to national security or foreign policy interests of the United States; and
- (2) removing the entity from the entity list does not pose a threat to allies of the United States.

SA 1617. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division C, insert the following:

SEC. 3. VISA BAN ON RESEARCHERS AFFILIATED WITH THE PEOPLE'S LIBERATION ARMY.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

- (1) the Secretary of State should revoke the existing F or J visas of any individuals who are employed, funded, or otherwise sponsored by the Chinese People's Liberation Army; and
- (2) Australia, Canada, New Zealand, and the United Kingdom should take measures similar to the measures outlined in subsection (b) to address security concerns posed by researchers and scientists affiliated

with, or funded by, the Chinese People's Liberation Army.

(b) **VISA BAN.**—

(1) **IDENTIFICATION OF PLA-SUPPORTED INSTITUTIONS.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this division, and annually thereafter, the President shall publish a list identifying the research, engineering, and scientific institutions that the President determines are affiliated with, or funded by, the Chinese People's Liberation Army.

(B) **FORM.**—The list published under subparagraph (A) shall be unclassified and publicly accessible, but may include a classified annex.

(2) **EXCLUSION FROM UNITED STATES.**—Except as provided in paragraphs (4) and (5), the Secretary of State may not issue a visa under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), and the Secretary of Homeland Security may not admit, parole into the United States, or otherwise provide nonimmigrant status under such subparagraphs, to any alien who is, or has previously been, employed, sponsored, or funded by any entity identified on the most recently published list under paragraph (1).

(3) **INQUIRY.**—Before issuing a visa referred to in paragraph (2) to a national of the People's Republic of China, the Secretary of State, the Secretary of Homeland Security, a consular officer, or a U.S. Customs and Border Protection officer shall ask the alien seeking such visa if the alien is, or has previously been, employed, funded, or otherwise sponsored by the Chinese People's Liberation Army or any of the affiliated institutions identified on the most recently published list under paragraph (1).

(4) **EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.**—Paragraph (2) shall not apply to an individual if admitting the individual to the United States is necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(5) **NATIONAL SECURITY WAIVER.**—The President, or a designee of the President, may waive the application of paragraph (2) if the President or such designee certifies in writing to the appropriate congressional committees that such waiver is in the national security interest of the United States.

(c) **SECURITY ADVISORY OPINION REQUIREMENT.**—A consular officer shall request a Security Advisory Opinion (commonly known as a “Visa Mantis”) with respect to any national of the People's Republic of China who applies for a nonimmigrant visa—

(1) under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) for graduate study in a field related to an item on the Commerce Control List (maintained pursuant to part 744 of the Export Administration Regulations); or

(2) under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)) to conduct research on, or to participate in a program in a field related to, an item on the list referred to in paragraph (1).

SA 1618. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strat-

egy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EMERGING AND FOUNDATIONAL NATIONAL SECURITY TECHNOLOGIES.

(a) **IN GENERAL.**—

(1) **IN GENERAL.**—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48C the following new section:

“SEC. 48D. CREDIT FOR NATIONAL SECURITY TECHNOLOGY.

“(a) **GENERAL RULE.**—For purposes of section 46, the national security technology credit for any taxable year is an amount equal to the applicable percentage of the basis of qualified property placed in service by the taxpayer during such taxable year.

“(b) **APPLICABLE PERCENTAGE.**—For purposes of this section, the applicable percentage with respect to any taxable year is—

“(1) 30 percent in the case of qualified property placed in service before January 1, 2028,

“(2) 20 percent in the case of qualified property placed in service after December 31, 2027, and before January 1, 2029,

“(3) 10 percent in the case of qualified property placed in service after December 31, 2028, and before January 1, 2031, and

“(4) zero in the case of qualified property placed in service after December 31, 2030.

“(c) **QUALIFIED PROPERTY.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘qualified property’ means property—

“(A) which is used in the United States,

“(B) substantially all of the use of which is to design or manufacture qualified national security technology,

“(C) which is described in section 1221(a)(2), and

“(D) the original use of which commences with the taxpayer.

“(2) **QUALIFIED NATIONAL SECURITY TECHNOLOGY.**—The term ‘qualified national security technology’ means technology which, as of the first year a credit under this section is claimed by the taxpayer for the technology—

“(A) is described in section 721(a)(6)(A) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(6)(A)), or

“(B) is included on the list promulgated by the White House Office of Science and Technology Policy under subsection (e).

“(d) **DENIAL OF DOUBLE BENEFIT.**—A credit shall not be allowed under this section for any expense for which a credit is allowed under any other provision of this title.

“(e) **EMERGING AND FOUNDATIONAL NATIONAL SECURITY TECHNOLOGIES.**—Not later than 6 months after the date of the enactment of this section, the Secretary, in consultation with the Director of the White House Office of Science and Technology Policy, the Secretary of Defense, the Director of National Intelligence, and the Secretary of Energy, shall develop, promulgate, and update annually a list of emerging and foundational technologies which are critical to national security and the development and manufacture of which by United States companies should be encouraged. Such list shall be published annually and made publicly available, including on the Internet.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 46 of the Internal Revenue Code of 1986 is amended—

(A) by striking “and” at the end of paragraph (5),